

SIKKIM



GOVERNMENT **GAZETTE**



**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Tuesday 8th July, 2008

No. 260

LAW DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No 20/I D/P/2008

Date: 07.07.2008

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 28th day of June, 2008 is hereby published for general information:-

**THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS
AND OTHER VOLUNTARY ORGANIZATIONS ACT, 2008**

(ACT NO. 20 OF 2008)

AN

ACT

to provide for legislation on regulation of societies, associations and other voluntary organizations.

Be it enacted by the Legislature of the Sikkim in the Fifty-ninth Year of the Republic of India as follows:-

Short title and commencement.

- (1) This Act may be called the Sikkim and Regulation of Societies, Associations and other Voluntary Organizations Act, 2008.
 - (2) It shall come into force on the date of its publication in the Official Gazette.

Definition.

2. (1) In this Act, unless the context otherwise requires,-

 - (a) "Act" means the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008;
 - (b) "Association" means a group of people associated or assembled or united together for the purpose of achieving one or more objects and includes organization, society, committee, samiti, sanstha, club etc.(government or non-government);
 - (c) "Authority" means the Registering Authority;

- Registration of associations etc.**
- (d) "Registering Authority" means the Secretary to the Law Department, Government of Sikkim;
 - (e) "Government" means State Government of Sikkim;
 - (f) "prescribed" means prescribed by rules made under the Act.
- 3. (1)** All associations, organizations, clubs, societies and voluntary Organization etc. intending to operate within the State of Sikkim shall make an application for registration of their organization in the manner as may be prescribed.
- (2)** All such application shall be accompanied with the following requirement namely:-
- (a) Memorandum of association containing:-
 - (i) name of the organization,
 - (ii) its registered office;
 - (iii) aims and objectives;
 - (iv) name, address and occupation of the executive members, promoters, governing body, executive committee, managing committee to whom the management of its affairs is entrusted.
 - (b) Article of Association containing rules and regulations.
 - (c) A resolution passed by the executive members/promoters/governing body/executive committee/managing committee or its equivalent.
 - (d) Atleast 50% of the members of the governing body/executive body should have Sikkim Subject Certificate or Certificate of Identification.
 - (e) No objection Certificate from concerned Panchayat/MLA.
 - (f) No Objection Certificate from the concerned Department where the purpose and aim of the organization relates to other government department
 - (g) Bank receipts of such amount as may be notified from time to time by the State Government.
- Renewal of association etc.**
- 4. (1)** All associations registered under the provisions of this Act and the rules framed thereunder shall be renewed on expiry of a period of one year from the date of registration on payment of such fees as may be notified in this behalf.
- (2)** Failure to renew an association within a period of three months from the date of expiry of the registration would render the organization liable for suspension or cancellation of its registration without issue of any further notice:
- Provided that registration can be renewed on payment of such fee by way of penalty in addition to renewal fee as may be notified.
- Submission of audit report/annual report.**
- 5. (1)** All association shall submit annual audit report alongwith annual reports of activities during the preceding year i.e during the last 12 (twelve) months immediately before the date due for submission of annual report.

- Receipt of grant.*
- (2) All association shall maintain proper record of their account including income and expenditure account and the balance sheet in such form as may be prescribed and the accounts shall be audited by recognized or registered chartered accountant before submission of the annual audit report to the authority.
- (3) In the event of failure to submit annual return/ report the registration shall be liable to be suspended/cancelled.
6. (1) Organization or association receiving any grant or aid or other financial assistance from either Central or State Government, utilization certificate of such financial grant or aid shall be submitted before renewal of the registration or at the time of registration of the association.
- (2) In the event of any donation or other financial donation or grant is received by the organization from outside the country the same shall be communicated to the authority specifying the grant of such foreign assistance or grant and only after clearance of the authority including the clearance as may be required from the Central Government the amount may be received.
- Other conditions.*
7. (1) No association or organization shall resort to use of any violent activities or use of fire arms against the state or individuals in any manner threatening the safety and security or endangering peace and tranquility and integrity of the State or the Country.
- (2) The nomenclature of the organization or association should not be made in a manner that would promote communal disharmony or threaten the integrity of the state or country or causes hurt to the sentiments of any community or class of people or promote hatred or ill feeling among different section of the society.
- (3) The authority in all such cases resolves the right to reject any application for registration of such organization or association.
8. The State Government may make rules for carrying out the purposes of the Act.
- Power to make rules.*
9. Notwithstanding the provision contained in this Act, the Notification Number 2602 A/H dated the 25th March, 1960 regarding rules and regulations for registration of various organization in Sikkim shall, however, continue to be validly operative in respect of its enforcement and the present Act shall be in addition and to supplement the aforesaid notification.

By Order.

R.K. PURKAYASTHA (SSJS)

L. R. -cum- Secretary
Law Department

SIKKIM

GOVERNMENT **GAZETTE**
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Monday 8th September, 2008

No. 392

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 31/ LD/P/2008

Date: 23.08.2008

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 4th day of August, 2008 is hereby published for general information:-

**THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY ORGANIZATIONS
(AMENDMENT) ACT, 2008.
(ACT No. 31 of 2008)
AN
ACT**

further to amend The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008.

Be it enacted by the Legislature of the Sikkim in the Fifty-ninth Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called The Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, (Amendment) Act, 2008.

(2) It shall come into force on the date of its publication in the Official Gazette.

Insertion of new sub-section (3) in Section 4. In the Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008, after sub-section (2) of Section 4, the following sub-section shall be inserted, namely:-

"(3) All associations, organizations, clubs, societies and voluntary organization etc at the time of renewal of their Certificate of Registration shall have 50% of members who possess Sikkim Subject Certificate or Certificate of Identification."

BY ORDER.

R.K. PURKAYASTHA (SSJS)
LR-cum-SECRETARY
Law Department

File No. 16 (82)/LD/P/2008

SIKKIM
GOVERNMENT **GAZETTE**

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Tuesday 10th March, 2009

No. 71

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 04/LD/P/2009

Date: 07.03.2009

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 2nd day of March, 2009 is hereby published for general information:-

**THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY
ORGANIZATIONS (AMENDMENT) ACT, 2009
(ACT NO. 4 OF 2009)**
AN
ACT

further to amend The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008.

Be it enacted by the Legislature of the Sikkim in the Sixtieth Year of the Republic of India as follows:-

*Short title,
extent and
commencement*

1. This Act may be called The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations (Amendment) Act, 2009.
It shall come into force on the date of its publication in the Official Gazette.

*Insertion of new
sub-section (3)
In Section 6*

2. In The Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008, after sub-section (2) of Section 6, the following sub-section shall be inserted, namely:-

“(3) Where an association or organization or society or committee or samiti or sanstha or club etc. (Government or Non-Government) is receiving or has received any grant or aid or other financial assistance from either Central or State Government and the said association or organization or society or committee or samiti or sanstha or club etc. (Government or Non-Government) is found to be involved in internal dispute arising out of mismanagement, misuse of funds or organizational disputes involving

running the organization and management of the organization or is involved in any other internal disputes among different groups within such said association or organization or society or committee or samiti or sanstha or club etc. (Government or Non-Government), the State Government may, if deemed appropriate in public interest, take over the functioning and management of such said association or organization or society or committee or samiti or sanstha or club etc (Government or Non-Government) and run or manage the organizational activities in such manner as may be prescribed. The State Government in the event of having taken over the running and managing the affairs may appoint/designate an administrator to run the affairs for such period as may be specified in the notification appointing such administrator. The administrator shall function in such manner as may be prescribed:

Provided that the State Government if it is of the opinion that the administrator so appointed is no more required may rescind the notification appointing such administrator.

By Order.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department

File No. 16 (82)/LD/P/2009

SIKKIM

GOVERNMENT



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**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Wednesday 16th March, 2011

No. 114

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 19/LD/P/10

Dated: 14/02/2011

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 5th day of January, 2011 is hereby published for general information:-

**THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY
ORGANIZATIONS (AMENDMENT) ACT, 2010**

(ACT NO. 19 2010)

AN
ACT

to amend Sikkim Regulation of Societies, Association and Other Voluntarily Organizations Act 2008

Be it enacted by the Legislature of Sikkim in the Sixty-first Year of the Republic of India as follows:-

Short title and commencement 1 (1) This Act may be called the Sikkim Regulation of Societies, Association and Other Voluntarily Organizations (Amendment) Act, 2010.

(2) It shall be deemed to have come into force on the 8th day of July, 2008.

Amendment of Section 4

2 (i) In the Sikkim Regulation of Societies, Associations and Other Voluntarily Organizations Act, 2008, (hereinafter referred to as the said Act), in section 4,-

(ii) for the existing sub-section (1), the following shall be substituted, namely:-

"(1) All Associations registered under the provisions of this Act shall be required to renew their registration in the event of any change in Memorandum of Association."

for the existing sub-section (2), the following shall be substituted namely:-

"(2) The amount of fees payable for renewal of registration on any change in Memorandum of Association shall be half the amount paid as registration fees:

Provided that where any association whose Memorandum of Association has already been changed or amended or modified, shall not be required to pay any such fees."

**Amendment of
Section 5**

3 In the said Act, in section 5,-

(i) for the existing sub-section(1), the following shall be substituted namely:-

"(1) All Association shall maintain record of their activities during the preceding year and submit the same when called for."

for the existing sub-section (2), the following shall be substituted

(ii) namely:-

"(2) All Association shall maintain proper record of their account and the balance sheet and submit the same when called for."

for the existing sub-Section (3), the following shall be substituted namely:-

(iii) "(3) In the event of failure to submit any of the documents mentioned under sub-sections (1) and (2), the registration of the association may be suspended or cancelled and suspension/cancellation order could be revoked on payment of fine of an amount equivalent to the rate of registration."

**Amendment of
Section 6**

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In the said Act, in sub-section (1) of section 6, for the words "utilization certificate of such financial grant or aid shall be submitted before renewal of the registration or at the time of registration of association" the words "the record of utilization of any financial grant or aid shall be maintained and the same shall be submitted when called for." shall be substituted.

R.K. Purkayastha) SSJS

L.R.-Cum-Secretary,

Law Department.

File No. 16 (82)/LD/P/2010

SIKKIM



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GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Wednesday 2nd September, 2015

No. 332

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 6/LD/15

Date: 24/08/2015

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 6th Day of August, 2015 is hereby published for general information:-

**THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY
ORGANIZATIONS (AMENDMENT) ACT, 2015**
(ACT NO. 6 OF 2015)

AN

ACT

to amend the Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008

Short title and Commencement

1. (1) This Act may be called the Sikkim Regulation of Societies, Associations and Other Voluntary Organizations(Amendment) Act, 2015.

(2) It shall come into force at once.

Amendment of section 3

2. In the Sikkim Regulation of Societies, Association and Other Voluntary Organizations Act, 2008, in sub-section (2) of section 3,-

(1) In clause (d), for the words and figure "atleast 50% of", the word "all" and for the word "should", the word "shall" shall respectively be substituted;

(2) after clause (d), the following explanation shall be inserted, namely:-

Explanation.- where any organization representing any particular group, either ethnic or religious or in any other form or denomination, intends to form an organization or society or committee or samiti or sanstha or club etc. for any purpose, the member of the governing body/executive body, as the case may be, or by whatever denomination, must be from the said group or organization belonging to the same ethnic or religious group as the case may be.

LAKCHUNG SHERPA, SSJS
L.R.-CUM-SECRETARY,
LAW DEPARTMENT.

SIKKIM

GOVERNMENT **GAZETTE**
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Thursday 14th June, 2018 No. 322

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 13/LD/18

Date: 13.06.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of June, 2018 is hereby published for general information:-

**THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY
ORGANIZATIONS (AMENDMENT) ACT, 2018**
(ACT NO. 13 OF 2018)

AN

ACT

further to amend the Sikkim Regulation of Societies, Association and other Voluntary Organizations Act, 2008.

Be it enacted by the Legislature of Sikkim in the Sixty-ninth Year of Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Sikkim Regulation of Societies, Associations and other Voluntary Organizations (Amendment) Act, 2018.
(2) It shall come into force at once.

Amendment of section 4

2. In the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008 (hereinafter referred to as the "Principal Act"), for section 4 and the entries relating thereto, the following shall be substituted, namely:-

"4(1) All Societies, Organizations and Associations (hereinafter referred to as the "Association") registered under the provisions of this Act and the rules framed thereunder shall be renewed on expiry of a period of every 2 (two) years from the date of registration on payment of such fees as may be notified in this behalf.

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(2) Failure to renew an association within a period of 1 (one) month from the date of expiry of the renewal of registration would render the organization liable for suspension or cancellation of its registration as the case may be without issuance of any further notice:

Provided that registration can be renewed on payment of the registration fee upto 3(three) times of usual registration fee in addition to renewal fee as may be notified in this behalf, subject to the satisfaction of the Registering Authority on reasonable and bonafide ground, showing thereby sufficient cause.

(3) All Associations registered under the provision of this Act shall be required to renew their registration in the event of any change in the Memorandum of Association and change of nomenclature.

(4) The amount of fees payable for renewal of registration on any change in the Memorandum of Association and change of nomenclature shall be half the amount paid as registration fees:

Provided that where any association whose Memorandum of Association has already been changed or amended or modified, shall not be required to pay any such fees.

(5) The Association shall submit the names of the newly elected governing body, minutes of meeting, and other relevant documents to the Registering Authority for it's approval within 3(three) weeks. Failure to submit the relevant documents as referred to above, within 1(one) month shall be liable to pay upto 2 times of usual renewal fees for its approval."

Amendment of
section 5:

3. In the Principal Act, for section 5 and the entries relating thereto, the following shall be substituted, namely:-

"(1) All Association shall maintain proper record of their account including income and expenditure account and the balance sheet and the account shall be audited by a recognized or a registered Chartered Accountant or such authority as may be assigned/ authorized by the Annual General Body meeting to be signed by atleast 3 (three) members of the General Body before submission of the annual audit report to the Registering Authority.

(2) All Association shall maintain proper record of their activities during the preceding year and shall submit annual report of activities by 31st March of each year.

(3) All Association shall maintain a record of their account and shall submit the balance sheet, certified copy of bank passbook or statement of account from the concerned bank along with the annual audit report by 31st March of each year.

(4) In the event of failure to submit any of the documents mentioned under sub-sections (2) and (3) within the 10th day of the following month, the registration of the association shall be liable to be suspended or cancelled. However, order of cancellation or



suspension could be revoked on payment of fine of an amount equivalent to the rate of registration subject to the showing of sufficient cause to the satisfaction of the Registering Authority."

Amendment of
section 6

4. In the Principal Act, in section 6, -

for sub-section (1), the following shall be substituted, namely:-

"(1) Organization or Association receiving any grant or aid or other financial assistance from either Central or State Government, utilization certificate of such financial grant or aid shall be submitted before renewal of the registration or at the time of registration of association as the case may be, failure of the submission of the utilization certificate, the renewal of registration shall be withheld till such time utilization certificate is submitted."

(2) after sub-section (2), the following sub-section shall be inserted, namely:-

"3(i) Irregularities found in the Fund Status Report is subject to the inquiry and verification by the Registering Authority. The Registering Authority may seek for an expert opinion in the matter if any irregularities, foul play and misuse of fund is found in the fund status report and forward the report to the concerned authority for taking appropriate action as per law.

(ii) The registration or renewal of the organization shall be upheld or suspended till such time or till the finalization of the matter as the case may be."

Jagat B. Rai (SSJS)
L.R-cum-Secretary
Law Department

S.G.P.G. - 322/ Com. 2/Gazette /100 Nos./ Dt:- 14.06.2018.

THE SUBSEQUENT AMENDMENTS TO THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS
AND OTHER VOLUNTARY ORGANIZATIONS ACT,2008(ACT NO. 2 OF 2006) AMENDED AND UPDATED
UPTO JUNE, 2018

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SIKKIM

GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Tuesday 30th March, 2021

No. 82

**GOVERNMENT OF SIKKIM
LAW & P. A. DEPARTMENT
GANGTOK**

No. 08/L&PAD/2021

Dated: 30.03.2021

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 30th day of March, 2021 is hereby published for general information :-

**THE SIKKIM REGULATION OF SOCIETIES, ASSOCIATIONS AND OTHER VOLUNTARY
ORGANIZATIONS (AMENDMENT) ACT, 2021
(ACT NO. 08 OF 2021)**

**AN
ACT**

further to amend the Sikkim Regulation of Societies, Associations and Other Voluntary Organizations Act, 2008.

Be it enacted by the Legislature of Sikkim in the Seventy-second Year of Republic of India as follows:-

Short title and commencement 1. (1) This Act may be called the Sikkim Regulation of Societies, Associations and other Voluntary Organizations (Amendment) Act, 2021.

(2) They shall come into force at once.

Amendment of Section 3 2. In the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008 (hereinafter referred to as the "said Act"), in clause (d) of sub-section (2) of section 3, the following proviso shall be inserted, namely:-

"Provided that this provision shall not apply in case of Government Organizations where the governing body comprises of Government functionaries in their official capacity."

**Insertion of
new section 8A
(Power to Relax)**

3.

In the said Act, after section 8, the following new section shall be inserted, namely:-

“8A. Where the State Government is of the opinion that it is necessary or expedient so to do, it may, with the approval of the Council of Ministers and for reasons to be recorded in writing, relax any of the provisions of this Act.”

**Suraj Chettri (SSJS)
L.R-cum-Secretary
Law & P.A. Department**